

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 44373

STATE OF IDAHO,) 2017 Unpublished Opinion No. 323
)
Plaintiff-Respondent,) Filed: January 18, 2017
)
v.) Stephen W. Kenyon, Clerk
)
MICHAEL LANCE CARAWAY,) THIS IS AN UNPUBLISHED
) OPINION AND SHALL NOT
Defendant-Appellant.) BE CITED AS AUTHORITY
)
_____)

Appeal from the District Court of the Fifth Judicial District, State of Idaho, Twin Falls County. Hon. Randy J. Stoker, District Judge.

Order denying Idaho Criminal Rule 35 motion for reduction of sentence, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Ben P. McGreevy, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

Before GRATTON, Chief Judge; GUTIERREZ, Judge;
and HUSKEY, Judge

PER CURIAM

Michael Lance Caraway pled guilty to felony aggravated battery, Idaho Code §§ 18-903, 18-907. The district court imposed a unified sentence of ten years, with a minimum period of confinement of three years, suspended the sentence, and placed Caraway on probation for four years. Caraway violated his probation, and the district court revoked probation, ordered execution of the sentence, and retained jurisdiction. Upon completion of retained jurisdiction, Caraway was again placed on probation. Subsequently, Caraway admitted to violating probation and the district court revoked probation, ordered execution of the sentence, and retained

jurisdiction a second time. The district court relinquished jurisdiction, and Caraway filed an Idaho Criminal Rule 35 motion, which the district court denied. Caraway appeals.

A motion for reduction of sentence under I.C.R. 35 is essentially a plea for leniency, addressed to the sound discretion of the court. *State v. Knighton*, 143 Idaho 318, 319, 144 P.3d 23, 24 (2006); *State v. Allbee*, 115 Idaho 845, 846, 771 P.2d 66, 67 (Ct. App. 1989). In presenting a Rule 35 motion, the defendant must show that the sentence is excessive in light of new or additional information subsequently provided to the district court in support of the motion. *State v. Huffman*, 144 Idaho 201, 203, 159 P.3d 838, 840 (2007). Upon review of the record, including any new information submitted with Caraway's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Caraway's Rule 35 motion is affirmed.